

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

HENRY L. MURPHY,)	
)	
Plaintiff,)	
v.)	CASE NO. 3:05-CV-435-F
)	WO
JIMMY ABBETT, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On July 27, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED that:

1. The defendants' motion for summary judgment is granted to the extent that the defendants seek dismissal of this case for plaintiff's failure to exhaust an available administrative remedy.

2. This case is dismissed without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff's failure to exhaust an available administrative remedy.¹

¹The parties are advised that this Recommendation does not in any way address the merits of the plaintiffs claims for relief. Consequently, this dismissal has no impact on the plaintiff's ability to pursue his claims in this court upon his exhaustion of all available administrative remedies or at the time he no longer has an administrative remedy available to him.

DONE this 25th day of August, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE